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Before the  
**Federal Communications Commission**  
 Washington, DC

APR 29 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

 Implementation of the Cable  
 Television Consumer Protection  
 and Competition Act of 1992 )

MM Docket No. 92-259

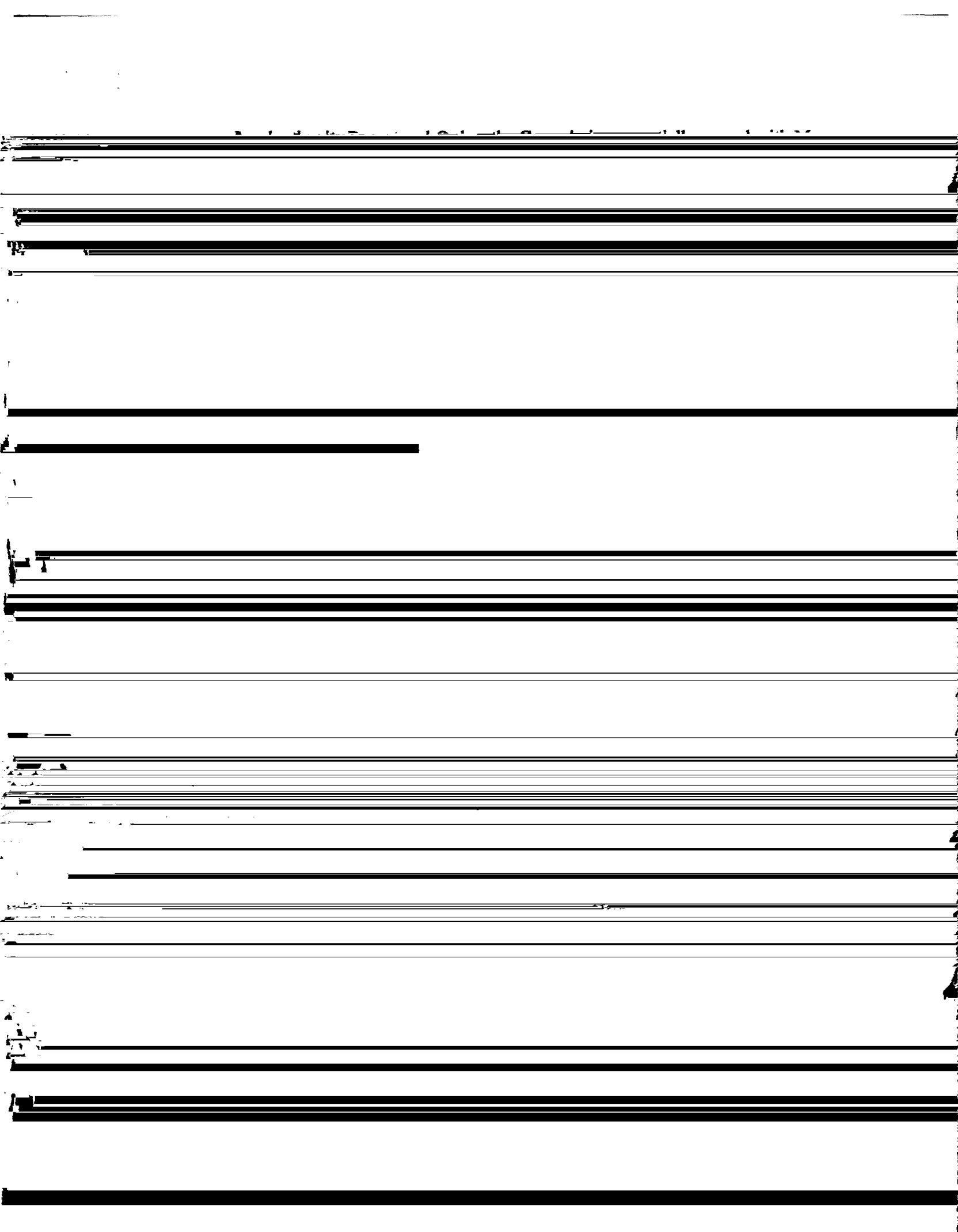
Broadcast Signal Carriage Issues )

To: The Commission

**PETITION FOR RECONSIDERATION**

Moran Communications, Inc. ("Moran"), by its attorney, hereby submits a petition seeking partial reconsideration of the Report and Order, FCC 93-144 (March 29, 1993) issued in this proceeding. With respect thereto, the following is stated:

1. As Moran stated in his initial Comments in this proceeding, Moran is the licensee of low-power television ("LPTV") Station W20AT, Roanoke Rapids, North Carolina. Under the Cable Television Consumer Protection and Protection Act of 1992 ("Cable Act"), low-power television stations that abide by the rules applicable to full-power stations and are outside the top 160 MSAs receive the benefits of mandatory carriage in areas where there are not a sufficient number of full-power stations to fill the complement of "must-carry" channels set aside under the Act, and "there is no full-power television broadcast station licensed to any community within the county or other political subdivision (of a State) served by the cable system." As Moran noted, undefined in the Act is exactly what is considered to be a so-called "full power television broadcast station" sufficient to undermine the carriage rights of low power television broadcast stations. Specifically, there exist within several states public broadcasting



networks each consisting of a flagship station located in one community within the state, which in turn is supplemented by a series of "satellites" (both full power and low power stations) each of whose sole function merely is to rebroadcast the programming of the flagship station throughout the State. The "satellite" stations engage in no local programming, and more particularly, engage in no "local news and information" that Congress was primarily interested in bringing into the households of local cable television customers. Thus, there are communities that, while they are served by local LPTV stations that provide programming responsive to the local news and informational needs of the community, these needs are not served by the "full-power stations" licensed to the local County since the local "full-power stations" licensed to communities within the local County operate merely as "satellites" to other full-power stations and therefore engage in no local programming.<sup>1</sup>

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<sup>1</sup> For example, Roanoke Rapids is located approximately 90 miles from any full-service television broadcast station that is not a mere satellite station or that is originating programming. News from the Roanoke Rapids area is not regularly provided on any of the nearest full service television stations carried on the local cable television systems or over-the-air. Further, the local cable system does not itself provide local news or origination programming of any sort.

Moran's station, Station W20AT began operations in April 1991 to fill that void. It presents a nightly one-minute news updates once an hour throughout each evening. It regularly covers local sporting events, parades, and other civic gatherings and special events -- which are not regularly covered by the nearest full-service stations. It is not carried regularly at the present time, however, on the Roanoke Rapids TeleCable cable television franchise located in Roanoke Rapids, Channel 20's own community of license. Although Station W20AT complies with all of the requirements of Sec. 614(h)(2)(A), (B), (C), (D) and (E), and thus would be otherwise qualified to receive mandatory carriage on the TeleCable system, Station WUNP-TV (which is a full-power "satellite" of Station WUNC-TV, Chapel Hill, North Carolina), is licensed to Roanoke Rapids, which is located within Halifax County, which, if the language of the Commission's Rule is taken literally, destroys the carriage rights of W20AT.

Station WUNP-TV, however, has no local studio and originates no local programming. The community of Roanoke Rapids is located adjacent to the border of Halifax

For this reason, the text of the Commission's adopted Rule should be modified.

The Commission's decision in footnote 217 that it will not necessarily allow the mere presence

Alternatively, the Commission should define "full power television stations" as follows:

All television broadcast stations licensed under Part 73 of the Commission's rules, except those stations operating as a "satellite" station pursuant to 47 C.F.R. § 73.3555, Note \_\_\_, if such stations do not provide programming responsive to the local news and informational needs of the community, and also specifically shall not include low power television stations, television translator stations, and passive repeaters which operate pursuant to part 74 of title 47, Code of Federal Regulations, or any successor regulations thereto.

Adoption of either of these provision will carry out the clear intent of the Commission's Report and Order, all will also effectuate the legislative intent of the Cable Act.

WHEREFORE, it is respectfully requested that the Commission adopt this Petition for Reconsideration, and adopt regulations consist with the information contained herein.

Respectfully submitted,

MORAN COMMUNICATIONS, INC.

By: 

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